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8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
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11 In re
12 PG&E CORPORATION,
13 And
14 PACIFIC GAS AND ELECTRIC COMPANY,
15 Debtors.
16 X – Affects Both Debtors

CASE NO. 19-30088-DM
MOTION PURSUANT TO FED. R.
BANKR. 9006(b)(1) TO DEEM
MICHAEL HARRIS'S CLAIM TIMELY
FILED

Date: June 29, 2022
Time: 10:00 a.m.
Place: Via Telephonically
450 Golden Gate Avenue
Courtroom 17
San Francisco, CA 94102
Judge: Hon. Dennis Montali
Objection Deadline: May 31, 2022

Pursuant to Rule 9006(b) of the Federal Rules of Bankruptcy Procedure, Jeannie Bisagno, mother and authorized representative of Michael Harris (deceased) moves for an order expanding time to file a Proof of Claim, and allow, Proof of Claim No. 108477 (attached as Exhibit A) to be considered timely.

I. SUMMARY OF ARGUMENT

Under the flexible standard for excusable neglect, Michael Harris's claim should be allowed. Michael Harris died on March 3, 2019, just over a month after the proof of claim process was made available to the victims of the November 8, 2018 Camp Fire. The circumstances surrounding this case constitute excusable neglect pursuant to the standards set forth in *Services v. Brunswick Associated Ltd. Partnership* 507 U.S. 380 (1993). Allowing this case to proceed does not present any prejudice to the Debtors, nor does it delay the attendant judicial proceedings. This motion is made in good faith and to deny this claim would result in injustice to the Claimant. This motion is based upon the points and authorities set forth herein and concurrently.

II. PROCEDURAL BACKGROUND

On January 29, 2019, the Debtors, PG&E Corporation and Pacific Gas and Electric Company ("Debtors") filed a voluntary Chapter 11 Petition. See Dkt. 1. On July 2, 2019, the Court entered an order establishing October 21, 2019 ("the Bar Date") as the deadline for Fire Victim claimants to file proofs of claim in this bankruptcy. See Dkt. 2806. That deadline was extended to December 31, 2019 ("the "Extended Bar date."). See Dkt. 4872.

III. FACTUAL BACKGROUND

Jeannie Bisagno owned two homes: one located at 7279 Pentz Road in Paradise, owned with Brad Weil and a second at 6284 Pueblo Drive, Magalia jointly with her son Michael Harris; both of which were destroyed as a result of the November 8, 2018 Camp Fire (the "Fire"). At the time of the Camp Fire, Michael was suffering from heart failure and kidney disease (see attached Declaration of Jeannie Bisagno). Michael died on March 3, 2019, just about a month after the proof of claim process was opened to the Fire victims (see death certificate at Exhibit B). Given her son's

1 failing health, that the FVT claim process was just over a month old (which gave rise to a good deal
2 of questions and uncertainty), Jeannie did was not in the mindset, nor did she have the wherewithal,
3 to file a claim. After many months of grieving for her son who predeceased her, Jeannie and Brad
4 retained the services of Levin Law Group, PLC (“LLG”) on October 9, 2019. LLG filed a proof of
5 claim on behalf of Jeannie and Brad on October 15, 2019 (POC nos. 687623 and 72241 respectively
6 attached as Exhibit E), which proof of claim did not include or otherwise identify Michael Harris.

7 Unfortunately, we do not have much information regarding the circumstances surrounding
8 why Michael Harris was not included in either Jeannie or Brad’s, both of which were prepared and
9 filed by an LLG staff member who is no longer employed by the firm. Further, prior to January of
10 2020, LLG’s representation of Fire victims was primarily managed by Richard H. Levin Esq., now
11 deceased and therefore unavailable to provide any additional color surrounding the failure to include
12 Michael on his mother’s proof of claim.

13 It was not until April of 2022 that it came to the attention of managing attorney Emily S.
14 Levin, Esq. (“Ms. Levin”), daughter of Richard H. Levin, that Michael Harris had been omitted
15 from his mother’s proof of claim. The matter came to Ms. Levin’s attention when current LLG
16 staff member, Jim Hare, was discussing the subject matter of an outstanding deficiency notice with
17 Jeannie.

18 Ms. Levin looked back over her email correspondence from 2020 between herself and
19 members of her staff regarding Bisgano/Harris which led her to believe that the reason that Michael
20 was not included on Jeannie’s claim was that members of the LLG staff though he was represented
21 by another attorney. Since representation of multiple members of families by different attorney
22 firms was not an uncommon experience, Ms. Levin did not conduct any independent research as to
23 whether any proof of claim had been filed on behalf of Michael by anyone.

24 Immediately upon realizing the omission, LLG filed an additional of claimant form
25 (Document No. 1314757 (Exh. C) and Affidavit of Successor (Exh. D) with the FVT, a proof of
26 claim on Michael’s behalf on May 2, 2022 (POC No. 108477 and a claims questionnaire on May ,
27 2022.

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1 claims. Allowing the late claim will not delay the proceedings. The late filed proof of claim should
2 be allowed to proceed as a matter of justice.

3 **V. CONCLUSION**

4 For all of the above reasons, the motion should be granted, and Michael Harris's claims
5 should be allowed to proceed and be deemed timely.

6 DATED: May 9, 2022

LEVIN LAW GROUP PLC

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8 By: /s/ Emily S. Levin
9 EMILY S. LEVIN
Attorneys for Jeannie Bisagno